

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:12-cr-77-TBM-RHW

JARVIS ROMAIN BELLE

ORDER

Before the Court is Defendant Jarvis Romaine Bell's Motion for Judicial Recommendation for Residential Reentry Center placement. [38]. Bell asks the Court to recommend that he receive the maximum amount of time possible in a residential reentry center. [38], p. 1. After reviewing the Motion, the record in this matter, and the applicable law, the Court finds that Bell's Motion should be denied without prejudice for lack of jurisdiction.


Bell does not attack his conviction or sentence, but instead, the manner in which the Bureau of Prisons is carrying it out. The Court construes Bell's Motion [38] as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. *Kraft v. Cruz*, No. 3:09-cv-1526-M, 2010 WL 882993 at *2 (finding that 28 U.S.C. § 2241 is the proper avenue to challenge BOP regulations regarding placement in a Residential Reentry Center). "A section 2241 petition on behalf of a sentenced prisoner attacks the manner in which a sentence is carried out or the prison authorities' determination of its duration, and must be filed in the same district where the prisoner is incarcerated." *Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000). According to the Fifth Circuit, "the district of incarceration is the only district that has jurisdiction to entertain a defendant's § 2241 petition." *Lee v. Wetzel*, 244 F.3d 370, 373 (5th Cir. 2001). "[T]he district of sentencing does

not have jurisdiction to consider the merits of a § 2241 petition, unless the petitioner or his custodian is also located there.” *Lee*, 244 F.3d at 374.

Bell is not incarcerated in the Southern District of Mississippi. He is housed at the United States Penitentiary Coleman USP-2 in Sumterville, Florida. Nor is Bell’s custodian located in this district. The Court therefore denies Bell’s Motion without prejudice for lack of jurisdiction.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Motion for Judicial Recommendation for Residential Reentry Center placement [38] filed by Defendant Jarvis Romaine Bell is DENIED WITHOUT PREJUDICE for lack of jurisdiction.

THIS, the 28th day of June, 2023.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE